

The proposed rule making in 04-37 and the companion Docket 03-104 are to set standards for, among other things, mitigation techniques to resolve interference for a service that will see the deployment of Part 15 devices in unprecedented numbers. The general public has very little knowlegde of either their rights or responsibilities with respect to the operation of Part 15 devices.

The public is going to mistakenly assume that they are going to receive interference free internet service from their BPL devices and that these devices will not cause interference to licensed users. A simple look at the FCC's complaint files with respect to such current Part 15 devices as wireless intercoms, baby monitors, cordless phones and garage door openers to name a few examples will show this to be a true statement. Scale this to hundreds of thousands of BPL users with hundereds of thousands of licensed users of the spectrum utilized by the Access and In-Home BPL devices and the potential for serious misunderstandings and conflict exists.

To mitigate the inevitable flood of complaints and misunderstandings that will occur, the FCC should require that providers of BPL inform their customers of their rights and responsibilities under Part 15. In particular, they must be required to inform their customers that they have no expectation to interference free use of BPL, that the end user must not cause harmful interference to licensed users of the same spectrum and that it is the responsiblity of the Part 15 device user to correct any interference. The BPL providers must be required to provide proof that they have so notified their customers and explained to them exactly what it means to be a Part 15 covered device operator. The existing labeling system with small notices on the back of the device and in the fine print in the back of the users manual is insufficient to provide the needed notifications.

Unless such a mandatory notification is required by the FCC, a veritable flood of complaints against licensed users of all types will result. It is in the best interest of all concerned, the FCC, the BPL provider, the BPL end users and the licensed users of the sprectum utilized by BPL that such verifiable notification of Part 15 rights and responsibilites be a part of the deployment process of this technology.

Thank you for your consideration of these comments in this important rule making.

Sincerely,  
/s/  
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